MW

Notice of Allowability	Application No.	Applicant(s)	<del></del>
	09/676,526	LIU ET AL.	
	Examiner	Art Unit	
	Brian L. Mutschler	1753	
The MAILING DATE of this communication apper All claims being allowable, PROSECUTION ON THE MERITS IS (herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT Recoff the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in to or other appropriate communi GHTS. This application is sub	nis application. If not included	live
2. The allowed claim(s) is/are <u>2-5,10,11 and 13-22</u> .			
3. The drawings filed on <u>06 September 2001</u> are accepted by	the Examiner.		
<ul> <li>4.</li></ul>	been received. been received in Application I uments have been received in this communication to file a ENT of this application.  ted. Note the attached EXAM is reason(s) why the oath or despendent of the submitted.  be submitted.  an's Patent Drawing Review (  Amendment / Comment or in the comment of the properties of the comment of	No no this national stage application from the reply complying with the requirements.  INER'S AMENDMENT or NOTICE OF eclaration is deficient.  PTO-948) attached  the Office action of  Irawings in the front (not the back) of .121(d).	
<ul> <li>Attachment(s)</li> <li>1.  Notice of References Cited (PTO-892)</li> <li>2.  Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08 Paper No./Mail Date</li></ul>	6.	il Date	

Application/Control Number: 09/676,526 Page 2

Art Unit: 1753

## **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

## In the claims:

- a. Please cancel claims 1 and 6-9. These claims were withdrawn following an election without traverse.
- b. Claim 12 was cancelled in the amendment dated October 14, 2004.
   However, the text of the claim appears in the amendment. Please replace the claim text with --Claim 12. (cancelled)--.
- 2. The following is an examiner's statement of reasons for allowance:

Claims 2-5, 10, 11, and 13-22 are distinguished over the prior art of record because they provide a method for automatically calibrating a separation apparatus neither taught nor suggested by the prior art of record. Each of the independent claims requires, *inter alia*, steps of normalizing light intensities of detected spectra, comparing/identifying the normalized spectra, and clustering spectra. The claims require identifying and/or clustering peaks that do not have corresponding normalized values differing by more than at least one similarity criterion. Labrenz (U.S. Pat. No. 6,333,501) discloses a method for calibrating separation apparatus, comparing spectra

Art Unit: 1753

and clustering by "keep[ing] only those peaks that pass some heuristic requirements" (col. 8, lines 32-43). However, the method of Labrenz does not teach or suggest normalizing the spectra prior to comparing or identifying values in the spectra. Simpson et al. (U.S. Pat. No. 6,017,434) also disclose a method for calibrating separation apparatus, wherein the method comprises automatically or manually tagging events. Simpson et al., however, do not teach normalizing spectra prior to comparing and clustering the spectra. Sharaf et al. (U.S. Pat. No. 6,821,402) disclose a method for calibrating separation apparatus comprising the steps of collecting a plurality of spectra and summing the intensities of the signals to obtain a total emission temporal profile (col. 7, lines 18-61). The method then selects reference peaks to calibrate the apparatus (col. 7, line 18 to col. 8, line 12). Therefore, the method of Sharaf et al. differs from the instant invention because the spectra are not normalized and compared prior to clustering the spectra; all of the spectra are used for the calibration. The prior art of record does not teach or suggest the combination of steps recited in the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L. Mutschler whose telephone number is (571)

Application/Control Number: 09/676,526

Art Unit: 1753

Page 4

272-1341. The examiner can normally be reached on Monday-Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RI M

November 26, 2004

NAM NGLIYEN

SUPERVISORY PATENT EXAMINED
TECHNOLOGY CENTER 1700